

AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS OF THE COUNTY OF MONTGOMERY, VIRGINIA HELD ON THE 12th DAY OF SEPTEMBER, 2011 AT 6:00 P.M. IN THE BOARD CHAMBERS, MONTGOMERY COUNTY GOVERNMENT CENTER, 755 ROANOKE STREET, CHRISTIANSBURG, VIRGINIA:

PRESENT:	James D. Politis	-Chair
	William H. Brown	-Vice Chair
	Mary W. Biggs	-Supervisors
	Gary D. Creed	
	Doug Marrs	
	John A. Muffo	
	Annette S. Perkins	
	F. Craig Meadows	-County Administrator
	L. Carol Edmonds	-Assistant County Administrator
	Martin M. McMahon	-County Attorney
	Brian Hamilton	-Economic Development Director
	Steve Sandy	-Planning Director
	Vickie L. Swinney	-Secretary, Board of Supervisors

CALL TO ORDER

The Chair called the meeting to order.

INTO CLOSED MEETING

On a motion by Gary D. Creed, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors hereby enters into Closed Meeting for the purpose of discussing the following:

- Section 2.2-3711 (5) Discussion Concerning a Prospective Business or Industry or the Expansion of an Existing Business or Industry Where No Previous Announcement Has Been Made of the Business or Industry's Interest in Locating or Expanding Its Facilities in the Community.
1. Project # 2011-025
 2. Project # 2011-026

- (3) Discussion or Consideration of the Acquisition of Real Property for Public Purpose, or of the Disposition of Publicly Held Real Property, Where Discussion in an Open Meeting Would Adversely Affect the Bargaining Position or Negotiating Strategy of the Public Body

1. New Blacksburg High School Property
2. Old Blacksburg Middle School Property

- (1) Discussion, Consideration or Interviews of Prospective Candidates for Employment; Assignment, Appointment, Promotion, Performance, Demotion, Salaries, Disciplining or Resignation of Specific Officers, Appointees or Employees of Any Public Body

1. Agency on Aging
2. Local Workforce Investment Board
3. Parks & Recreation Commission
4. BZA

The vote on the foregoing motion was as follows:

AYE

Gary D. Creed
Annette S. Perkins
William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
James D. Politis

NAY

None

OUT OF CLOSED MEETING

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Closed Meeting to return to Regular Session.

The vote on the foregoing motion was as follows:

AYE

Annette S. Perkins
William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
James D. Politis

NAY

None

CERTIFICATION OF CLOSED MEETING

On a motion by Mary W. Biggs, seconded by William H. Brown and carried unanimously,

WHEREAS, The Board of Supervisors of Montgomery County has convened a Closed Meeting on this date pursuant to an affirmative recorded vote and in accordance with the provisions of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711 of the Code of Virginia requires a certification by the Board that such Closed Meeting was conducted in conformity with Virginia law.

NOW, THEREFORE, BE IT RESOLVED, That the Board of Supervisors of Montgomery County, Virginia hereby certifies that to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion conveying the closed meeting were heard, discussed or considered by the Board.

VOTE

AYES

William H. Brown
Mary W. Biggs
Doug Marrs
John A. Muffo
Gary D. Creed
Annette S. Perkins
James D. Politis

NAYS

None

ABSENT DURING VOTE

None

ABSENT DURING MEETING

None

INVOCATION

A moment of silence was led by the Chair.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

PUBLIC HEARING

General Obligation School Bonds

A resolution authorizing the issuance of not to exceed \$115,000,000 principal amount of one or more series of general obligation school bonds of the County of Montgomery, Virginia.

The Bonds are to be issued for financing the construction and equipping of the new Auburn High School, new Blacksburg High School, and the renovation of the old Auburn High School for use as Auburn Middle School for public school purposes and is to be sold to the Virginia Public School Authority.

The County Attorney gave a brief overview of the plan to issue bonds for the County's School Capital Construction projects.

Suzanne Ducker thanked the Board of Supervisors for their support and is pleased the Board is moving forward to fund the construction of new schools. Ms. Ducker expressed her support for issuing bonds for school construction.

Ivi Brenner expressed her support for issuing bonds for school construction. Ms. Brenner thanked the Board for their support in moving forward with construction of new school facilities.

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There being no further speakers, the public hearing was closed.

PUBLIC ADDRESS

There being no speakers, the public address session was closed.

CONSENT AGENDA

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the Consent Agenda dated September 12, 2011 was approved.

The vote on the foregoing motion was as follows:

AYE

Mary W. Biggs

Doug Marrs

John A. Muffo

Gary D. Creed

Annette S. Perkins

William H. Brown

James D. Politis

NAY

None

Approval of Minutes

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously, the minutes dated March 28, April 4 and April 11, 2011, were approved.

Schedule Public Hearing

R-FY-12-24

A RESOLUTION SCHEDULING PUBLIC HEARINGS TO HEAR CITIZEN COMMENTS ON AN ORDINANCE ESTABLISHING PROTOCOL FOR DROUGHT DECLARATIONS AND ON THE COUNTY'S INTENT TO ADOPT THE PROPOSED NEW RIVER VALLEY REGIONAL WATER SUPPLY PLAN

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of the County of Montgomery, Virginia, that the Board of Supervisors hereby schedules public hearings for Tuesday, October 11, 2011, at 7:15 or as soon thereafter, in the Board Room at the Government Center located at 755 Roanoke Street, Christiansburg, Virginia, in order to receive citizen comments on the following:

1. On the proposed New River Valley Regional Water Supply Plan and the Board of Supervisors intent to adopt this Regional Water Plan as the County's Water Supply Plan.
2. An Ordinance Establishing Protocol for Making Drought Declaration and Provisions for Emergency Management of the Public Water Supply.

Appropriations and Transfers

A-FY-12-27

CLERK OF CIRCUIT COURT RECORD PRESERVATION GRANT

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, By the Board of Supervisors of Montgomery County, Virginia that the General Fund was granted an appropriation in addition to the annual appropriation for the fiscal year ending June 30, 2012, for the function and in the amount as follows:

250	Clerk of Circuit Court	\$4,237
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The source of the funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>	
22511 419208	Record Preservation Grant
	\$4,237

Said resolution appropriates grant funds to be used to restore land books.

A-FY-12-28
SCHOOL CAPITAL PROJECTS FUND
PPEA FEES

On a motion by Annette S. Perkins, seconded by Mary W. Biggs and carried unanimously,

BE IT RESOLVED, That the School Capital Projects Fund was granted an appropriation in addition to the annual appropriation for fiscal year ending June 30, 2012 for the function and in the amount as follow:

19 School Capital Projects Fund	\$50,000
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The source of funds for the foregoing appropriation is as follows:

<u>Revenue Account</u>		
451204	School Capital Projects Fund Balance	\$50,000

Said resolution appropriates monies received from PPEA proposers provided to pay the School Board's consultant and staff for the review of the detailed proposal.

NEW BUSINESS

R-FY-12-25
RESOLUTION OF APPRECIATION
CAPTAIN KELLY WALTERS
CHRISTIANSBURG RESCUE SQUAD

On a motion by William H. Brown, seconded by Doug Marrs and carried unanimously,

WHEREAS, Kelly B. Walters became a member of the Christiansburg Volunteer Rescue Squad in 1964; and

WHEREAS, Kelly B. Walters was appointed full time paid Captain by the Christiansburg Town Council on September 1, 2001; and

WHEREAS, Kelly B. Walters is a member of the Virginia Association of Volunteer Rescue Squads (VAVRS), was presented life membership in 1979, and served as its president from 1985-1987; and

WHEREAS, In 2003 ***Mr. Walters*** was inducted into the VAVRS Hall of Fame, the top honor for a member of the association and bestowed upon an individual who has demonstrated commitment and character in and out of the association; and

WHEREAS, Kelly B. Walters was instrumental in Christiansburg Rescue Squad's move from the old Stone Street location to the current location on Depot Street; and

WHEREAS, Kelly B. Walters is a member of the Montgomery County Fire and Rescue Commission, established by the County to bring leaders of the fire and rescue departments

throughout the county together to discuss issues and concerns and develop a means of meeting the needs of the community; and

WHEREAS, Kelly B. Walters' commitment to the community is evidenced by his efforts in the establishment of an independent Riner Volunteer Rescue Squad; and

WHEREAS, The County recognizes the dedicated service that **Kelly B. Walters** has rendered the citizens of Montgomery County.

NOW, THEREFORE, BE IT RESOLVED, The Board of Supervisors of Montgomery County, Virginia, on behalf of the entire citizenship, extends a unanimous vote of appreciation and gratitude to **Kelly B. Walters** and wish him the very best as he retires from his position after 47 years of faithful service to the citizens of Montgomery County.

BE IT FURTHER RESOLVED, That the original of this resolution be presented to **Kelly B. Walters** as a testimonial of the high esteem and appreciation in which he is regarded by the members of the Board of Supervisors and that a copy be made a part of the official minutes of Montgomery County.

The vote on the forgoing resolution was as follows:

<u>AYE</u>	<u>NAY</u>
Doug Marrs	None
John A. Muffo	
Gary D. Creed	
Annette S. Perkins	
William H. Brown	
Mary W. Biggs	
James D. Politis	

INTO WORK SESSION

On a motion by Annette S. Perkins, seconded by Doug Marrs and carried unanimously,

BET IT RESOLVED, The Board of Supervisors hereby enters into Work Session for the purpose of discussing the following:

1. New River Valley Regional Water Supply Plan
2. FY 2013 VDOT Revenue Sharing Applications

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
John A. Muffo	None
Gary D. Creed	
William H. Brown	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
James D. Politis	

New River Valley Regional Water Supply Plan

Kevin Byrd, NRV Planning District Commission Executive Director, and Tammy Stephenson with the Department of Environmental Quality (DEQ), presented the NRV Regional Water Supply Plan. The NRV Regional Water Supply Plan began in 2006 to address the requirements of the Local and Regional Water Supply Planning regulation required by the State of Virginia. The goal of a regional water supply plan is to provide adequate, reliable, and safe water to citizens in a way that balances the need for environmental protection and provides for future growth. It also establishes a comprehensive and continuous planning process for the wise use of our water resources.

All localities are required to submit a plan either individually or as part of a regional plan. Montgomery County will be included in a regional plan within the New River Valley. Regional Groups have until 2011 to submit a plan. DEQ will review all plans to determine compliance. The City of Radford, the Counties of Floyd, Giles, Montgomery and Pulaski and with the Towns of Dublin, Floyd, Glen Lyn, Narrows, Pearisburg, Pembroke and Pulaski have agreed to participate in the regional planning effort led by the Planning District Commission to develop a New River Valley Regional Water Supply Plan. A public hearing on the NRV Regional Water Supply Plan is required and a resolution from Montgomery County adopting the Plan.

FY 2013 VDOT Revenue Sharing Applications

Steve Sandy, Planning Director, presented information on the Revenue Sharing Program and potential projects for the FY 2013 Revenue Sharing Program.

In 2008, VDOT established time frames for expenditure of funds (de-allocation) for all existing projects. Funds must be expended within 2 subsequent years of allocation or be removed from the program. The Barn Road project in Montgomery County has been removed due to inactivity.

The County currently has 3 revenue sharing projects as follows:

- Willis Hollow Road (Route 609) – FY 09-10 project - \$200,005; 0.5 mile grading, drainage & surface treatment scheduled for advertisement in January 2012
-
- Alleghany Spring Road (Route 637) – FY 08-09 Project - \$289,000 bridge project scheduled for advertisement in March 2012
-
- Yellow Sulphur Road (Route 643) – FY 09-10 project - \$311,500 scheduled for advertisement in November 2012

Applications for FY 2013 revenue sharing funds are due November 1, 2011 with \$10 million available per locality and \$200 million statewide. Montgomery County has received a request from S&P of Virginia, LLC offering a potential revenue sharing project. The project involves building a connecting road between Bains Chapel Road and Tyler Road and a new roundabout on Tyler Road as part of the 177 Corridor Development. The County, VDOT staff and S&P representatives have met to discuss the project and VDOT indicates that it is a viable request. The local match for the project would be provided by S&P with no County dollars required. One option to consider is for the County to locally administer the project, which would provide more points in obtaining funding from the Revenue Sharing Program.

Mr. Sandy stated the next step is to prepare an application and resolution stating the County's desire to submit a revenue sharing application. If Montgomery County's application for revenue sharing funds is approved, an agreement between the County and S&P would need to be developed to identify the roles of each party.

OUT OF WORK SESSION

On a motion by Annette S. Perkins, seconded by William H. Brown and carried unanimously,

BE IT RESOLVED, The Board of Supervisors ends their Work Session to return to Regular Session.

The vote on the foregoing motion was as follows:

<u>AYE</u>	<u>NAY</u>
Gary D. Creed	None
William H. Brown	
Annette S. Perkins	
Mary W. Biggs	
Doug Marrs	
John A. Muffo	
James D. Politis	

COUNTY ADMINISTRATOR'S REPORT

The County Administrator reported on the following:

VDOT Road Updates: Richard Caywood, VDOT Salem District Manager, will attend the Board's September 26, 2011 meeting to discuss the Board's concerns with delays of projects in Montgomery County.

Groundbreaking Ceremonies: Dates for the groundbreaking ceremonies for the new Auburn High School and the new Blacksburg High School have been announced.

The Auburn High School ceremony is scheduled for Sept. 19 at 3:30 p.m. Parking will be in the student parking lot between the football stadium and the main building.

The Blacksburg High School ceremony is scheduled for Tuesday, Oct. 11 at 3:30 p.m. Parking will be at the BHS location on 3109 Price's Fork Road.

Citizen Academy Graduation: The first Citizens Academy jointly held by Montgomery County and the Town of Christiansburg will graduate September 19, 2011 at 7:00 p.m. at the Town Municipal Building. The Academy, which was held Aug. 1-Sept. 19, included an overview of local government, public safety, planning, public works, economic development, transit, and parks and recreation. A total of 20 citizens participated.

BOARD OF SUPERVISORS' REPORTS

Supervisor Marrs reported he received an e-mail from Brian Katz regarding the Special Use Permit granted to him to allow the parking of commercial vehicles (particularly tour buses) on property located on Peppers Ferry Rd. (SR 114). One of the conditions of the SUP was for the applicant to pave the parking lot. According to Mr. Katz, the cost to pave the parking lot is estimated at \$60,000, which is a lot for a small business that is trying to exist in this economy.

Supervisor Marrs pointed out that this parking lot has been a graveled lot for many years, even when other businesses were located there, without being a nuisance to the adjoining property owners. He asked what can be done to allow Mr. Katz to leave the parking lot a graveled lot.

The County Attorney replied that the requirement to pave the parking lot is a criteria in the County's Zoning Ordinance.

The Planning Director explained that during the application processing stage the topic of paving the parking lot was discussed. He also stated that having a paved parking lot is a part of the General Business Zoning District requirements outlined in the Zoning Ordinance. Mr. Sandy stated that the owner can submit an application of appeal to the Board of Zoning Appeals (BZA). The owner will be required to provide reasons of hardship. The BZA can make variations to the Zoning Ordinance on a case by case basis in special circumstances.

Mr. Sandy stated the problem that is occurring with the older businesses within the County is that they don't meet all the requirements in the Zoning Ordinance and are grandfathered in. When businesses want to upgrade or remodel then they have to meet all regulations which can create an extra financial burden they had not planned for.

Supervisor Muffo asked for an update on the illegal dumping at the County's unmanned collection sites. The County Administrator reported that additional signage has been placed at the Collection sites. According to the site attendants there has been some decrease in illegal dumping but it still occurs. They will continue to monitor the situation and staff is looking at options to eliminate the illegal dumping.

Supervisor Politis attended the Governor's Roundtable Conference at the VT Inn on September 9, 2011 to meet with local businesses to discuss business and employment issues. Both the Governor and the Virginia Secretary of Commerce and Trade were in attendance. Supervisor Politis stated he was invited to travel to Richmond to meet with the Virginia Secretary of Commerce and Trade to discuss industrial hemp.

ADJOURNMENT

The Chair declared the meeting adjourned to Monday, September 26, 2011 at 6:00 p.m.

The Board adjourned at 9:05 p.m.

APPROVED: _____
James D. Politis
Chair

ATTEST: _____
F. Craig Meadows
County Administrator